

REMARKS

The Office Action dated January 25, 2005 has been read and carefully considered and the present amendment submitted in order to better define the invention.

Claims 1-8 were initially rejected under 35 U.S.C. 112, second paragraph, as being indefinite due to the inclusion of the phrase "or similar-type" and that phrase has been deleted from the newly amended claims.

Claims 1-2 were rejected under 35 U.S.C. 102(e) as being anticipated by Miller *et al*, U.S. Pub. No. 2004/0102132. Claims 3-4, 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Rasely, U.S. Patent 1,403,196. Claims 5 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Schnabel, U.S. Patent 3,717,948.

As such, claims 1 and 2 have been amended by combining the limitations of claim 2 into claim 1, thereby cancelling claim 2. In addition, claims 6, 7 and 8 have been cancelled to narrow the remaining issues of the present application.

Accordingly, the newly amended claim 1 recites tiles having very specific features, such as the trapezoidal form of the grooves and projections. It is submitted that the tile as now recited in claim 1 not only allows a continued decorative motif and enable ornamentation in sets of pieces with a non-grid structure (as in prior claim 1) but also, permits (1) achieving decorative effects with irregular relief, such as is shown in Fig. 2, (2) achieving decorative effects with regular relief, such as shown in Fig. 4 and (3) combining the combination of the tiles with the trapezoidal grooves and projections with other pieces provided with irregular edges like hexagons or squares. None of the cited prior art references, taken singly or in combination, can achieve those features.

First of all, it is noted that the Miller reference has a filing date of November 25, 2002 and that the present application is a continuation of a PCT application No. PCT/ES02/00361 having a filing date of July 17, 2002 that predates the filing date of the Miller reference and therefore the Miller reference is not a viable reference under 35 U.S.C. 102(e). The priority document has been filed and which ultimately goes back to an original Spanish application Serial No. 200101861 with a filing date of July 19, 2001.

However, even then, it is submitted that the Miller reference is not relevant to the tiles of the present invention. Miller simply shows a construction toy made of a foam material and certainly "is not adapted to a corresponding decorative motif" as stated in claim 1 and it is submitted that one searching the state of the art relating to the manufacture of tiles would not look to the toy art for a suitable teaching.

With that, it is therefore submitted that the resort to the secondary references of Rasely and Schnabel cannot be considered reasonable combinations with the toy of Miller in an attempt to find a disclosure of the present invention.

Taking, briefly, the remaining references, Applicant has the following comments:

US-527,961: this patent discloses two type of tiles of quadrangular shape, having said tiles either four grooves or four projections. Therefore, grooves and projections are not on the same tile and cannot anticipate the object of claim 1 of the present application.

US-3,504,469 refers to a seamless flooring, in particular to a seam configuration which conceals the joint between two adjacent sheets of flooring. The invention disclosed in this document allows to make the seam in the finished floor invisible to the average observer, forming a monolithic floor. However the pieces have no similarity with those the present invention claims, and therefore it does not anticipate the same.

US-4,287,693: this patent refers to a ventilated interlocking floor tile, comprising two layers, the lower one with a plurality of interlocks for attachment with contiguous tiles, and the upper layer fastened to the lower one. The object and the invention itself are different from the present case, which is therefore not anticipated by this document.

US-5,052,158: this patent discloses panels which are attached to each other through interlocking primary and secondary means, that are different from those of the tiles claimed in the present application.

US-6,588,167: this patent was published later than the priority date of the present application; and it was even filed later than said priority date.

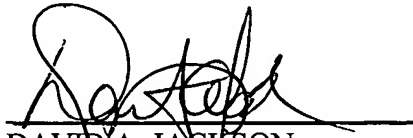
US-3,717,948: this patent refers to a universal block unit for toys. Said unit is provided with a plurality of grooves and projections. Therefore it is not relevant to the claims of the present application.

US-1,403,196: this patent refers to a different toy pieces for piling one on another, but which are not provided with grooves and projections. Therefore it is not relevant to the claims of the present application.

US-5,787,666: this patent discloses a system of thin panels for masonry that are provided with mateable hiding edges. These panels can be used for walls and floors and a decorative effect is obtained but the panels do not have the construction as defined in newly amended claim 1.

As such it is submitted that, as now amended, claim 1, as well as dependent claims 3-5 are in allowable form and an allowance of the present patent application is respectfully solicited.

Respectfully submitted,



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